SALES AT AUCTION. A RT SALE!

Private collection of OLD and MODERN PAINTINGS, the property of a southern centieman. Some of
them exceedingly line specimens of OLD MASTERS,
tare and valuable.

The whole now on exhibition at the Clinton Hall Sales coms, and to be said by suction Monday evening, Feb-mary 4. THE MESSRS LEAVITY, Auctioneers.

A UCTION NOTICE.—OVER \$22,000 WORTH AND 33)
A Lots of elegant Household Furniture, contents of private Mansion. 21 East twentieth street, near Broadway, this fay, commencing at 10% of clock, viz. 7% octave reserved Plantoforte, elegant Parlor and Bedroom Suits, Oil Plaintings, Lace Curains, Mirrors, Bookease, Wardrobes, spring and hair Mattresses, Lounges, Clocks; also distinguised in the Mattresses, Lounges, Clocks; also distinguised by the Mansion of the Mattresses of the Mansion of the Mattresses. Authorized the Mansion of the Mansion of

A. Purniture, Merchandise and Fine Arts salesroom, Real Estate Department, 21 Park row, New York.
On MONDAY, at 12 o'clock, CLEGANT COLLECTION OF FINE OLEOGRAPHS, CHROMOS, INGRAVINGS, 4C. Now on exhibition, with estalogue.

A LBERT B. WALDRON, AUCTIONEER.
By D. W. IVES & C.O., sidesmoon list Liberty and
il Cedar kirect.—This day, at 10 edeck. Hardware. Culry. Tools, Bry Goods. Greceries. Pickles and Sauces,
ictures. Circumos. Bedding. Books. Wines. Cigars, Glass,
arpets. &c., &c., &t., At B o'clock, assignee's sale of
tousenoid and Cabiner Furnitire. &c., including every
ticle used in housekeeping. &c.

A. J. BLEECKER, SON & WHITE WILL SELL AT
auction on fuestiny February 2, at 12 M., at Exchange Salesroom, under direction of Join L. Shirley,
Soc. Referee, the brick House and Lot No. 15; Charles
street, n. a., 32 lect off West street; let 2xxi01.6, Maps
and particulars at Auctioneer's office, No. 39 Pine street,

A UCTION SALE .- MAGNIFICENT A UCTION SALE.—MAGNIFICENT

to be sold THIS (SATURDAY) MORNING,
continuencing at 10½ o'clock,
at the elegant five story brown stone
Feeddene 120 West 23d st., near 6th av.
Magnificent rosewood Emperes, face Currains, Mirrors, 7½ octave rich rosewood Fianotorie, made by F. C.
Lighte & Co.; latest styles inflated Parior suits, covered in
satin, brocatel, &c.; inflated centre Tables, Cabinets, Jardinieres, Fronzes, oil Francisco, &c.; Chamber and hair
staticsesses, Carpet, &c. hookenone, 820 volumes; Books,
Lady's secretary Library Table. Turking Suit and
Chairs, Ghing room Buffet, Extension Table, solid walnut; Chairs, China Linner and Fos Sets, Lounges, had
Stand, &c.; also bakement and ser vants Furniture.

H. E. McDounell & C., actioneera.

A UCTION SALE .- THIS SATURDAY) MORNING.

A COTION SALE.—THIS SATURDAY MORNING.

Commencing at 10 o'clock at private residence
210 West 23st st., near th avenue.
210 West 23st st., near th avenue.

HANDSOME HOUSENDLD FURNITURE, SUPERB
PAINTINGS, FINE BRONZE:
Decker 4 Bros 75 octave Plannforte, elegant carved
Parlor Sults, in satin and brocatel; Parlor Tables, Etageres, Mirrors, Gurains, Bronze Clocks, library and secretaire Bookcases, library tables, writing Desks. Turksis Sult; roseewood and wainut Beisteads. Dressing
Cases, Bureaus, Washellinds, il hair and spring Matresses, Phlows, Centre Jables, Rockers, Extension
Table, Buffet, Dining Chairs, Silverware, Crockery, repplush and hartecoth Sults, Richem Furniture, 19 Carpets, 4c. N. B.—Sale Dostifve, Take Zin or Sth av. cars,
Competent men to pack and ship goods city or country.

ROBERT C. CASHIN, Auctioneer.

A UCTION.

AUCTION.

AUCTION.

AUCTION.

AUCTION.

AUCTION.

Over \$25,000 worth, 260 lots, unagnificent Household Furniture, at the first class private mansion 103 West Twenty-eighth street, one block from Broadway, near Sixth avenue, commencing at 10½ o'clock. Hich Parlor Statts, avenue, a

A UCTION NOTICE.—GOOD SECOND HAND AND misfit English Brussels. Three-ply and Ingrain Carpets, Oilcloths. &c., very cheap, from auction, at 112 Fulton street side entrance).

BY ISIDORE J. SWARZKOPF, AUCTIONEER-WILL sell. 2 o'clock, 3t avenue B, large stock of Fahry and Dry Goods, Notions, Hesiery, large quantity silk Ribbons, ready made ladies' Suns. Woollens, shawis, Cutlery also large lot men's Clothes, Furniture, Bedsteads, Bureaus, Mattresses, Tables, Chairs, Parlor Sults, Carpets, &c. Dealers Invited.

BY J. LEVI & SON, AUCTIONEERS - WILL SELL AT

BOWE & HILLIER, AUCTIONEERS,—MARSHADS street, the Stock and Fixtures of a liquor store.

1 HOS. II. SULLIVAN, Marshal.

8. WEINBERGER, AUCHONESR-REGULAR sale this ony (saturday), January 32, at 10½ o'clock, 55, Bowery, of general Marchanists, Hardware and lery, Axes, Hatchets, Hammers, Tacks, Screw vers, Pocket and lable Cutiery, gold and sliver tohes, Furniture and Carpets, Cicars, Tobacco, nors, &c. rale positive. Dealers invited.

I. S. WEINBERGER, AUCTIONEER.—MARSHAL'S at 15% Bowery, 5% casks sherry Wine, 5% do. Port Wine, 5% do Apple Jack, 5% do. Gin, three 16 gailon casks containing Boarbon, Brandy and Bitters, also four iron Saies. By order of S. D. HALL, City Marshal.

James Cagney, aucrioneer, 531 Hudson street.—This day, at 1856 o'clock, the Stock, Furniture and Fixtures of Bar and Restaurant 345 fixtures avenue, near Twenty-second street, consisting of the full and complete Furniture, hange, Street Lamps, &c.; also, the Ales, Liquors and Cignar will be offered in one lot if desired. Speculators should attend. TOHN H. DRAPER, AUCTIONEER,-TUESDAY

MORIOGOS MALE, BOYER a MARIETE CONTINUE OF A certain chattel mortgage and by order of the attorney for mortgage, at public anchor on Monday, February 1, 1875, at 11 o'clock in the foremost, on the premises, the Lease, 11 o'clock in the foremost, on the premises, the Lease, Fixtures, Furniture and Effects of the well known Hotel and Dimmer andoon known as the ability mariety of the No. 725 Fullon street, opnosite washington Market, consisting of elegant Bar and Dimmer Boom Fixtures and Furniture, Bedding and Bedroom Furniture of the bedrooms, Icchouses, Crockery, Game and Flated Ware, Cutlery, table Cloths, Napalas, copper coffee and tra. Urns kitchen Utensils, contents of laundry, 40. The that creases, contents of laundry, &c. The has been established over 20 years. Present arryears and six months to run. To be sold JOHN H. HILLIER. ttorne; for Mortgagee.

MARSHAL'S SALE.—HENRY DREHER & SON, Auctioneers, by virtue of an execution to me directed, will seit this day, at 11 o'clock, corner of Jefferson avenue and Ringsbridge road, Fordinam, jot of Garbert and Stoves. SHERIFF'S SALE OF BOTEL PURNITURE, CAR-SHERIFF'S SALE OF HOTEL FURNITURE, CARpeits &c.
S. HERHAN, Sheriff's Auctioneer, sells Monday,
February I at 110 ciocx, at the Maltby House, No. 23
Great Jones street, the entire Furniture, Carpets Officloths, Fianc, Beds, Bedding, Crockery, &c., of said
motel. Sale peatitive in lots. Wealers invited.
WM. Barub, Deputy.
WM. C. CONNER, Sheriff.

THOMAS CAFFNEY, AUCTIONEER—OFFICE 18
North Whitam street; sells into day, at 11 clock,
the Lease, Stack and Fixtures of the cia established Barroom and Oyster Salcon & and & groadway, Williamsburg. Sale positive, in one or more lots.

PIANOFORTES, ORGANS, &C. A -POR RENT, UPRIGHT, SQUARE AND GRAND Planes of our own make: also for sale, a number of the second mand Planes, a serfect order. William NABE & Co., No. 112 Fifth avenue, above Sixteenth st. A FINE ASSORTMENT OF NEW AND HANDSOME Planos to rent, at HAINES BROITHENT OR REOMS IT Union square. New Planos on installments or low for cash; two Planos, been used a little very low for cash;

A BEAUTIFUL ROSEWOOD PLANOFORTE AND Stool, \$100; Planos to rent: \$5 monthly; instalments received; magnificent first class new Pinnos; a sacrifice for cash.

26 Bleecker street, near Bowery.

A NEW DEPARTURE. - NEW AND SECOND HAND upright and square Pianes and organs to reat until paid for; a tew great bargains for cash.

S. X. Ball. & CO., 15 East Fourteenth street. A ROSEWOOOD \$10) MELODEON FOR \$20; RENT \$21 carved leg Plano \$50; Weber Plano for rent; seven octave Plano, \$4. SON, 13 East Fourteenth street.

AN UPRIGHT FINE TONED 7 OCTAVE PIANO-forte for sale for \$125, or would rent for \$5 a month to responsible parties 54 Clinton place.

A MAGNIFICENT 755 OCTAVE FOUR ROUND order; all improvements; cost \$500, for \$250, stock Cover, Box tor shipping. Cali private residence 120 West 73d st. near 6th av. A LADY WILL SELL FOR \$100 A CHICKERING resewood Plang, modern tumoreveness, fron trame, perfect order, with guarantee also Sox for ship-ment. Cal. at 28 Third street, near Bowery.

AN ELEGANT DECKER & BEGS, PIANOFORTE POR fale at a sacrince: a brilliant toped 7% octave, righty carried, rosewood case. But agrade, overstrang Piano, having all improvements, armed guarantee, but pfane, cost gra, for \$200, took lover, box for shipping, & B.—Gool as new, used only 8 months, by private samily. Call, rivate residence 210 West 21st at.

GREAT BARGAINS IN NEW AND SECOND HAND Trinnes, of the very best quality, yet low for cash, at FISCHEA'S 421 and 4.5 West Twenty-eighth street, near Night avenue.

ASON & HAWLIN CABINET ORBANS UNAP Broached in canceity and elegance. Winners of three highest predact and options of thours at venue, 1873, Paris, 1897, and at factorital babblations in America always. New styles, with most important improvement ever made. Pland-barp Cabinet organs (\$20), a new and exquisite combination of these instruments; new combination and solo stop. Etagere Organs (\$15), typy rich. New torms of case payments. Best baid three years boys an organ. Catalogues free. Warerooms, 25 Union square.

PIANOS TO RENT OR SELL-LARGE LOT: PRICES and terms to suit the times. Call at MERRELL'S, s. S. Union square (163 Fourth avenue). U PRIGHT AND SQUART PIANOS AND ORGANS-tooms, 788 Broadway, corner tenth street.

WATER NEW CALS PIANOS. CONCERTO AND other Organa, will be said this week at reduced prices for c sh: monthly invaniments received on Pianos. \$10 to \$20; Greens. \$5 to \$10; second name instruments \$1 to \$5 monthly after first deposit. WATERS & SON, 481 Broadway.

A GENTLEMAN DESIREN THE ACQUAINTANCE of a lady of edemation and reducement; construct matrices, ricase address, appointing inserview, H., box left Herald office, NO. 21 OF THE MATRIMONIAL ADVERTISER WILL be out on Monday. Price to cents. Liustrated.

('ARD -DON'T FAIL TO HEAR THE WONDERFUL INSTRUCTION ON PLANOFORTE AND SINGING AT pupil's residence, \$10 per quarter; pupits taught starting in Earlish, French and Italian languages; also prepased for concert. Address INSTECTION, box 113 Herald Uptown Branch office, L.65 Brondway.

"MUSIC AND THE ENGLISH BANGUAGE IN Ja-ble miormation in the pan."—Teachers going to Japan will find value ormation in this pamphlet. Mailed for 25c. A. MARTIN, 12 Waverley place.

O RGANIST AND CHOIR.—ONE OF THE MOST DIS-tinguished organists, with most excellent testimo-nials six years in present position, desires a position in New Yors' can furnish a first class double quartet. Ad-dress for one week, C. V., Herald Uptown branch office, 1,266 Broadway.

MISCELLANEOUS.

D IPLOMA OF MERIT, VIENNA EXPOSITION, 1873— 10r. Peterson's American Powders and Lorenges tor indigestion and all diseases of the stomach: Powders, \$7 per hox: Loxenges, \$1. All chemists' deputs. YOUGERA, New York. MONTEURE, New Orleans.

A MAGNIFICENT COPY OF RUBEN'S "LATONI," from Royal Gallery, Munich, purchased there by owner, in exchange for useful Household Purmiture, in cluding Piano, Address M. A. B., Herald Uptown Branch

EUROPE.

A FRENCH LADY OF THE NOBILITY IN PARIS, who graduated with the highest diploma, a good musician, wishes two or three American young ladies as boarders; the resides in one of the finest and healthiest parts of taris, and promises every constort at monerate terms; best of references given. Address Mms. SIMON, No. 4 rue Regis, Faubourg St. Germains.

A BEAUTIFUL SET. \$5, \$8.—CONTINUOUS GUN Teeth. \$10; extracting with gas. 50c; silver fillings. 50c. Examine specimens, New York Deatal Rooms, No. 262 Sixth avenue. Established 1854. Remember 262.

MURDER IN A LUNATIC ASYLUM A PATIENT BRAINS HIS COMPANION WITH A HATCHET.

A few years ago the attention of the Commis sioners of Charities was called to the fact that it was dangerous to leave any portable object within reach of the demented inmates of the Lunatic Asylum, on Blackwell's Island, and the circumstance was brought forcibly before their notice through the publication in the columns of the HERALD of the particulars of the murder of one lunatic by another at the institution named. In that case a female patient beat cut her roommate's prains with a utensii called a "kid," which mate's orains with a utensi; called a "kid," which was left in the cell. Now the Kings County Lunatic Asylum brings to light another sanguinary warning to the keepers of such asylums against at any time reposing confidence in the unfortunate people consigned to their care. The event in question is the killing by Stiles S. Middleton, a man about thirty-five years of age, of Noble S. Benrett, who was sixty years old. The murder occurred on Thursday alternoon, but the authorities in charge of the asylum, who that hatural aversion to making bubble any occurrence that may reflect on Thursday a ternoon, but the authorities in charge of the asylin, wish that natural aversion to making public any occurrence that may reflect upon themselves in their management or administration of the trusts confided to them, kept the matter from the public as long as possible. Yesterday Coroner Simms was notified to hold an inquest, and, from his investigation, it appears that on the atternoon in question stiles S. Middleton, a patient who has been for several months regarded as periectly harmiess, and who was accordingly permitted to roam at large through the corridors of the house, went to the room of his keeper. Ar. Govene, and attempted to sheak away with a small hatchet, when the keeper asked him what he wanted to do with it. Middleton said he wanted it to drive a tack or two in his room. The nurse refused to permit him to take it at the time, and the fellow, who appeared quite calm and reliable, walked away, and shortly afterward returned to importune him to allow him the use of the hatchet. Middleton went away with it, and soon after returned and set it by the side of the door. Subsequently Mr. Govene went out, and no sooner had ne turned his back than the lanatic again fook the hatchet and went to his own apartment, where Mr. Noble S. Bennett, an inoffensive, gentlemanly putlent, was sitting. Both men are said to haye Mr. Nobie S. Bennett, an inoffensive, gentlemanly patient, was sitting. Both men are said to have patient, was sitting. Both men are said to have been on the most intimate and friendly terms, and the ides of the one attempting violence to the other never entered the minas of the nurses. The tunatic Middleton, on returning to his room, it is supposed, for there is no witness of the occurrence, without the least provocation, struck Mr. Bennett with the hatchet on the head, driving the snarp blade through the sail and into the brain. He then walked back with the hatchet and left it where he had found it. Walle going through the corridors on his way back he was met by the keeper named above. He exclaimed, "I have quarrelled with Noole Bennett, and I think he is hurt; you had better go and see him." The nurse on going to Notice Bennett, and I think he is hurt; you had better go and see him." The nurse on going to the room was horrified to find the old genteman struggling in his death agony. The doctor was summoned, but could not protoing the life of the victim, who expired within an Bour. The Coroner's jury rendered a verified in accordance with the evidence. The deceased was the father of Rev. George's Bennett, assistant minister at St. Peter's Episcopal church, in State street, Brooklyn. The other patient, Stiles S. Middleton, is a son of ex-sheriff Middleton, and he has been an inmate of the asylum for the past three years, the has been placed in close confinement, and will not be permitted to again room at large through the hallway.

## CHARITIES AID ASSOCIATION.

A meeting of the State Charities Aid Association was held last evening, at which the reports of the standing committees were presented. The Committee on Believue Hospital pointed out some of the detects inherent in the present manage of our public institutions to which the attention of our public institutions to which the attention of the Commissioners might very properly be called. Each institution ought to have a head officer, who could be made responsible for everything in the building. It was claimed that this would keep the subordinates in better train, and point out a way in which complaints could be entered and remedies applied. The ladies also reported that the supplies of all kinds were kept on hand in losufficient quantriles, so that when an unusual number of persons were sent to the nospitals there was much suffering until the deficiency could be dade good. The question was also raised whether the wardens and matrons ought to be permitted to take the staff of physicians and others as boarders. The adars of Randall's Island were submitted in the report of the visitors. The ladies have never ceased to complain of the manner in which the mental service is performed at this institution. They confirm what the HERALD has frequently punished—that degraded women woo are sent up for drunkenness and their are employed to do the scrubbing and other work in the buildings occupied by 1,200 children. The vile influence that these women are able to exert over the poor children presents a picture which may well occasion the deepest anxiety in the minds of all thoughtful persons. It does not require a very procound knowledge of political economy for any one to decide that it is poor economy to use the unpath help of prison convicts in preference to hiring honest and respectable women to have charge of the apartments of the children.

The association adjourned to the last Thursday in Feoruary. of the Commissioners might very properly be

## RAILROAD ACCIDENTS.

A collision occurred on the Erie Railway early yesterday morning, about a mile from Hohokus. Three freight trains, bound east, were following each other closely, when the foremost train suddenly slacked up. The second train dashed into the rear cars, four of which were smashed. The the rear cars, four of which were smashed. The locomotive was also greatly damaged. The fireman on the latter, James Lawson, of Port Jervis, was instantly killed. The engineer saved himsen by jumping. The fire in the locomotive set here to two of the cars, which were lader with bacon and four, and both were consumed. The road was blocked up for six hours. A relief train was sent from Paterson. The filted fireman was found crushed between the boller and coal bunker, having field on to the brake thinke last. The damage is about \$20,000. At the time of the collision the second train was running at the rate of fifteen miles an hour, and, owing to the slippery state of the rails, it could not be quickly stopped.

A Hodson River train, of ten cars, loaded with cattle, ran off the track near larrytown yesterday morning. One car was apset and several cattle were killed. No serious detention of trains occurred.

JERSEY'S JUVENILE BURGLARS.

William Clark, the youthful burglar, who pleaded guilty to oreaking and entering several places in Jersey City, was called up for sentence in the Court of Quarter Sessions yesterday. He said he had nothing to say in mitigation of punishment. He pleaded guilty to five charges, and was sentenced to five years on each, all the terms to run together. Judge Hoffman remarked that the Court could send that or fitty years, but it was not likely be could live so long. Archibald Elkins, an accomplice of Clark, against whom were five charges of breaking and entering, was sentenced to the State Prison for three years on the first charge and five years each on the other four, the terms to run together, making five years in all. Whilam Ailen, also an accomplice, two charges being against him for breaking and entering and one for receiving the stolen goods from the others, was sentenced on each charge to three years in the State Prison, the term on two charges to run together and on the other to commence at the expiration of the term of the other two, making six teats in all. Alien said he was a pumber and gashiter, but could get no work. He defined that he entired Clark and sithus to steal, and claimed they were thus engaged before he knew them. He pleaded guilty to five charges, and was sen-

## THE LONG TRIAL.

Twentieth Day of the Great Scandal Case.

THE ARGUMENT CONTINUED.

Messrs. Pryor and Beach Reply to Evarts.

SHALL TILTON TESTIFY?

Interesting Law Points Raised on Both Sides.

JUDGE NEILSON TO DECIDE ON MONDAY.

A Proposition to Lengthen the Court Hours.

Yesterday was a day of argument. Mr. Evarts and delivered himself on Thursday from a well filled mind as to precedents on the right of a husband to testify even incidentally in a case involv-

ing his wife's dishonor.

The Brooklyn public had been partly aware of Mr. Beecher's desire, through his counsel, to keep Tilton off the stand. There was no opinion in favor of Tilton testifying or going to the wall. A great many people thought he ought to speak, because the issue was between himself and one other person. Even Mr. Beecher's partisans wondered what reason or policy existed in favor of Theodore's enforced silence.

Yesteraay the entire fight was over Titton's right to testify as precedents stood. Undoubtedly these precedents, put in their succession, operated against the plaintiff. But the course of to separate the wife's individuality from the husband and the husband's individuality from the wife, bore toward the desire of the plaintiff's counsel to introduce the complainant.

vancy of this testimony to the issue. Everybody knows that the contest in court is Tilton against Beecher for damages. Without Tilton a great part of the plaintiff's case is document and hearsay. effigy, a human representation of his alleged wrongs, appealing as sufferer to the jury. His course for the past nine months has been of such a character as to make him formidable. There

course for the past nine months has been of such a character as to make him formidable. There is undoubtedly a theory with the defence that if he testifies he will make an impression, and that he should not testify lest he incite the jury. As to the law against his testifying, the burden on that side was with the plaintiff and the precedents with the defendant. The plaintiff a counsel, led by Mr. Beach, relied upon the growth of the law as related to the sexes wi's and husband being individualized and made supporters or opponents, according to the charity of the facts. In this case the husband has assumed the attitude of protecting his wile while prosecuting her alleged seducer. He therefore claims in equity the right to be the exponent of her sin, while the explainer of the circumstances under which stand if possible. His relation to the case as a relator will have more effect upon the was public, whether he be excluded or admitted, than anything he might say. If he does not speak, his feeling will quality his catch. The law is probably against his testifying; so have some powerful lawyers said to us. But his importance as a wilness, both to the defendant's honor and the great mystery itself, can scarcely be computed.

The further forms and the great mystery itself, can scarcely be computed.

The further forms and the plaintiff of the same and the substant of the strength of the same and the substant of the substant of the substant of the sa

a Bohemian, who has made the past a repast, and is using the wonderful dramatic occasion now before us to restore himself. He has certainly given

nerve and vigor to his counsel. The old limbs of the law, like Beach and Fullerton, would not nave kept Tilton's cause in mind unless they had a certain reliance upon the plaintiff. Had he been frivoious, uncertain, egotistical, pattering, he could not have gained their credence, nor could he have kept it. There are not, probably, in this country two more albuminous, cool, frigid attorneys than Fullerton and Beach. Mr. Beach has advanced in years as well as in practice, and relies upon no supposititious popuarity. He has little to expect from the ret he may gain in this matter. Mr. Fullerton is younger and probably more regardful of his future. But both of these renowned lawyers appear to be supordinates, and associates of Tilton rather than his superiors.

Tilton is a man of an unclassifiable tempera-

ment. He is an egotist, but a peculiar one. There are times when his eulogists can scarcely get his countenance, and all the time his enemies are unable to get his opposition. He has embarked in this cause with Mr. Beecher his entire temperament, which is the bulk of his fortune. Inflexi bly, methodically, incessantly he has pursued this case, making almost a profession of it, and evaporating day by day the unnecessary portions, until he has sublimated, condensed, arranged and made projectile every fact in the mighty mystery. Whether he be the subject of an hallucination or the convert of a series of evidences is to be solved by this trial. At any rate there he sits, a sphinx, a lemale riddle, a male personality, a curiosity in the great drama. Before him is his enemy, watching him is his wife, who must insensibly be a fearful colleague in this case. If Theon be himself vindicated both his enemy and his wife are set without the pale of consideration. If he be not vindicated himself and perhaps his friend are retired from the magnanimous consideration of men. What the law says on the question will be less effective than that incisive and determinate intention of the common citizen to get at the facts of the case without regard to the laws of evidence.

Yesterday the court room was an arena where authorities and traditions were paraded. Very keen minds were called up to deciaim their best. Mr. Evarts led off. Mr. Pryor followed. After a rebuttal Mr. Beach spoke. These men are as dif-ferent as their arguments. They are also so sensitive that a person hardly knows what to write. The course of democratic writing is to get rid of the assumption and nonchalance of lawyers, who spare no pains to hurt their opponent out are very delicate of a class of lawyers not yet admitted to the bar who watch all proceedings without regard to the common or the statute law-the re-

The day before yesterday Mr. Evarts made reference to the stigmatization the barristers were getting in this case. He thought that the noble attorne, s were not to be considered as actors and criticised as if they were playing in the cast of "Tnespius." There is too much dignity about this trial. Every time anybody gets louised he criticises the weather. Not one reporter in this that has satisfied all the counsel. Roger A. Pryor has made a figure in the discussion of the right of Mr. Tilton to testily. He is an old, historic cuaracter, who has suppressed the better known part of mself in order to be and to prove more

of a practical being, adequate to the North and to the changed times. There is no person in this trial more deserving of good feeling. He is not an enemy of Mr. Beecher. Probably, called to Mr. Beecher's side, he would have been a very faithful colaborer. Pryor, however, has the Southern affection and has become imbued with his client's cause. No fee that could be paid at the present stage of the trial would move him. He has been the scholar of his side of the case. A man of large and varied reading, observant, iresh, earnest, bold, he has entered into this case by invitation. He was selected by Judge Morris, who had watched him and had ascertained that the Pryor of ante-bellum times was quite a different superstition from the cool, desirous and business character now resident in or near the metropolis. Nothing could be more irrelevant than the manper of the three lawyers-Pryor, Beach and

Mr. Pryor has not forgotten any material portion of the habits and manners of his latitude and extraction. Fervid, decisive, copious, indigpant, he has the elements which make success. poise, monitorship, careful regulation of his client's case and generous thought as to the points he had to defend as well as those he had to advance have nearly made him a great practitioner. Nothing is

Mr. Beach, Pryor's colleague, is a very perfect type of the Northern barrister. He is surrendered to his profession. At the Bar no criticism is to be made upon him. He can be belligerent and almost terrible, and again suave as a commercial partner. In this case he has won for himself a very high distinction. His devotion and his urbanity have been equal; the common belief is that, with his great fame, he has worked without a fee-not necessarily because his convictions are very decided, but because in an affair at law he sinew to sinew." The style of Mr. Beach is compact, powerful, grave, positive. He has very little ent, but is not lacking in suggestiveness. Above almost any attorney at the Bar he has im. mediate resources of plain and cogent illustration. These illustrations are seldom florid; 'hey Burns was among poets. His antagonism to the press, real or assumed, has of itself a suggestiveness which honest writers will consider according to its propriety in each instance.

a little man, lean from the feet to the crown. Nature has compressed into his countenance all the faculties, most of the sensibilities and a little of its caricature. He is said to be desirous to be an editor. That is reasonable, because his arguments are generally editorializing. If you put forty objects on the plain surface of a table and ask Evarts to connect them all in one sentence he can do it. No man has more fecundity, aplomb. assumption, plausibility. He has his features a well as his thoughts in rein, and can drive them magnificently even upon the Judge. The Judge in maxingentis even upon the Judge. The Judge in this trial, unfortunately, seems to be indifferent about the tawyers, and if you would bring up the Propnet Samuel, the Wandering Jew or any spiritual medium whatever, Neilson would take his own course. We, therefore, pass the long arguments of yesterday down to the public for what they are worth.

THE ARGUMENT.

one state, we show they are souns adopt them, and in the desire, though in a less degree, we accept the decisions of the States of New England. And it is, therefore, right to consider that in their reasoning they may be or may not be subjective to our judgment in the premises.

Mr. Pryor—I suppose, if Your Honor please, that the fact which you have stated, the criticism of the decisions of other courts was based upon their conformity to reason, and I was about proceeding to exhault, conclusively and deterentially, and with all respect for the learned Court by whom the decision was promulgated, that this decision is absolutely repugnant to reason, and as no shaddronormal to be statististed. My learned friend, using the three best and been argued by the propert exhaults nothing of the kind, and the decision of the opinion of the Judge himself, as you will observe, is embodied in this brief paragraph:—"The plaintiff was not a competent witness to prove such marriage." The act of 1887, to enable husband and wife to be witnesses for or against each other, expressly except to prove the respective that the learned Judge arrives at the conclusion by no process of reasoning, nor is he sustained in the conclusion by any citation of authority. But he merely urges it per solitum. The result is apparently upon this decision, therefore, is founded upon the plaintiff in an action of authority. But he merely urges it per solitum. The result is apparently upon this decision, therefore, is founded upon the plaint, palpable misreading and miscoustruction of the very act upon which it purports to be founded. Bear in mind ow, the words of the Judge that this second section of the act of 1507 and the plainties and incompeliable merely to give evidence for or against the context of the surface of t

This case was overruled there. But meanwhile the erroneous view had some headway, and as Your Honor is aware of the iccundity with which erroneous opinions propagate themselves, that rule it law got incorporated in some books of law and was adopted in some courts of this State, although the rule has been renounced in England and the principle repudated. Yet I Irankly almit mat in some of the courts of this country it is still an active principle, but not in New York. Never has it been the law in this State. Never has it been recognized as a canon of the law of evidence by any authentic writer.

Mr. Pryor, after quoting from Greenleaf and several other authorities, continued. In a recent case in this State (Abbott's Reports, new series, volume v., page 55) the Oil Insurance Company against Noble, Judge Blair propounds the principle in these words:—That the evidence of husband and wife is undoubtedly receivable in collateral proceedings without the purpose of proving nothing material to the issue, and that although the evidence may tend to criminate or contradict one or the other." That, sir, is the language of the law of the State of New York. In Rhode Island the rule, as contended lonby the learned gentlemen on the other side, had been carried to as far an extreme, perhaps, as in any other State. It was one of the States where this jurisdiction had been effected and vitiated by the original error propounded in Rex vs. Clevinger: but in a recent case, The State against Briggs (9 Rhode Island, 361), the Court of Appeais of that State differed from the authenticity and the correctness of the old rule, the rule contended for by the gentlemen on the other side, was brought directly under criticism and review. The case is stated by Duffy, Judge. The defendant was convicted on a charge of abortion produced on Mary Flynn; the case came up in a bill of exceptions on the ruling of the Court below; the first exception was hased on the fact that the said Mary Flynn was a single woman, and that the said Mary Flynn was a sin

ity, and principle, that the testimony of a husband and wile may be received to contradict or criminate each other in in all cases except where one is called to contradict or criminate each other as a party to some cause." Now, sir, thus stands the law upon the best authority, upon the weight and preponderance of the decisions in England and by the uniform decisions of New York, namely, that in a collateral proceeding—that is to say, in an action between third parties—the nusband or wife is competent and compellable, certainly competent. There was a question whether compellable, but certainly competent to testify, although that testimony tended directly to criminate the other, husband or wice, as the case may be. But, if Your Honor please, though the purpose of the law be sound, though the rule be valid as laid down by the learned gentleman, it does not touch the case. What are the terms of the rule? We are considering it now upon the hypothesis that it is sound law, that neither husband nor whe in a collateral proceeding can give testimony tending to accuse or convict the other of a criminal charge, and it was never heard nor anneathat husband or wife was incompetent, in a collateral proceeding, to give evidence which tended merely to the disparagement or to the infamy of the other. Instead of wasting your time and wearing out your patience with the copious citation of authorities which I have at hand, I have selected one authority from the Sinte of New Jersey, where the law contended for by m. learned adversary has been pushed to as extreme an extent as in any sinte. I have selected a case for that State wherein the limitation of the rule, as I now state it, is propounded by the Court, propounded with a bold reflectance and under the constraint of the uniform stress and strain of authority. The Court says:—"But in the case now before this Court the charge of the husband was direct; his charge was that he came upon his wice in fazyrante delice." As the wile had been tried and acquitted the charge was of an off

practicalness. It was said in the language of the Judge delivering the opinion of the Court, "What crimes involve Moral Turpitude: Sivolve Moral Turpitude: Sivolve Moral transfer of accuracy, but what charges not amounting to crimes involve moral trand or turpitude is exceedingly difficult of solution." The object of the Court was to establish a uniform and practical rune, easy to be understood and applied, and the criterion adopted was that husband and wife were inadmissible for the purpose of directly charging each other, which in its nature was indictable. The disqualification did not arise gom the hazard which might result to the party accused of becoming subjected to a prosecution by reason of the evidence—that would have been to put the rule on the ground of interest—but from the fact that it was sale to assume that all offences which were indictable were of such disgraceful character, that if imputed by one married person against the other, ill will and want of harmony would be the inevitable result. The indictability of the offence merely fixed the grade of crime, which might not be charged. I think this rule thus adopted should not be narrowed. My inclination would be to extend it, if that could be legally affected, so as to prevent husband and wile from charging each other with any act which is essentially infamous in general estimation; but the authorities do not warrant such an amprification, and we must administer the law as it is handed down to us." "Thus this Judge, eager minself under any circumstance to prevent the husband or wife in a collateral proceeding to testily one against the other, impotent as he is of the limitation, frankly admits the restriction, and although it may collide with his own ideas of propriety of the law, has no alternative under the stress of traditional authority but to over the limitation, frankly admits the rise propounded by the graditional authority but to over the limitation, in any admits and the other mine.

respects, but not the particular one under concessity, and was permitted to testify without question as to his competency as a witness—was periodic from which has upper settled the witness to the concession as to his competency as a witness—was periodic from which has upper settled the witness to the concession of th

tion presented to me by the field of discussion opened by the learned gentleman, I conceive in have discountried the duty imposed upon me, and is say the plainth is a completent witness and should be sworth. Mr. Beach then sand:—The discussion of this question, sir, has been anticipated by us, of this question, sir, has been anticipated by us, and the question, sir, has been anticipated by us, and the question, sir, has been anticipated by us, and the question, sir, has been anticipated by us, and the question, and ittle is cell to me but to plead sometains, the fragments of it which have been already presented, but enail confine myself, in a great degree, to remark upon those general topics which have been already presented, but enail confine myself, in a great degree, to remark upon those general topics which have been threduces by our learned adversary. Listening, sir, to his brilliant and impressive exordium I was sed to regree that I was not gitted with those qualities which would enable me in some laint and sir-o'n degree to emitate his sonorous style, walca'l cannot and I snall not attempt; but I am consoled somewhat by the reflection that this is an argument upon a question of law addressed to a court—that I speak to a mind learned and experienced, and not likely to be moved from its sel-possession by the declamation of counsel, and that declamation, sir, would to my mind have been lair more impressive had it ween uttered in the cause of one who has invided the sanctive—on behalf si one who has invided the sanctive—on behalf si one who has invided the sanctive—on behalf si one who has invided the rom her allegiance and himself indicate her, before the sanction of vinitication to a subject of the world. I do not, sir, accept the sanction of vinitication to its implementation to the winder and the proposition of the counsel is, that Henry Ward Beecher my choose to say, however he may stigmantize Theodore Tition, in percuance he amount swear that from the laps of the world. I do not, sir, accept the issue

ment. It is well that these lessons of virtue and wisdom are taught, framing the mind for the discharge of those dates which ment of the discharge of these dates which ment of the discharge of these dates which ment of the discharge of these dates which degrees wherewith to carry conwant and upward the great mystery of man's creation. I agree that no society or government can stand—virtueby stand—except upon the maintenance of the sancity and the virtue of the domestic circle, and so i agree too, sir, that there is much of beauty and sacredness in the idea of unity that adds. We the marriage r-lations. That idea of the contagenence of two souls imaging all their affections and sympatimes and interests in one, and hand in hand meeting the contingences and adversates of life with mutual encouragement and love, is well call diversary. It appeals, sir, directly and feelingly to my own sympathies; but are we to lorger that its what is called the progress of civilization that that idea has been mangled and torn assunder? Are we to be bind to the legislation of the present? Are we to be bind to the legislation of the present? Are we to be been to the legislation of the present? Are we to be been to the legislation of the present? Are we to generate and descroped by what I believe to be the standard of the contagenent and the standard of the contagenent and the standard of the contagenent and the standard of the standard of the will be standard of the standard of the will be standard of the standard o